WPSS 425 of 2007

Hon'ble M.M. Ghildiyal, J.

Heard Sri M.C. Kandpal, learned Senior Counsel assisted by Sri S.S. Chaudhari for the petitioner, Sri Paresh Tripathi, learned Standing Counsel State of Uttarakhand for the respondent nos. 1.

By means of this petition, the petitioner has prayed to issue a writ in the nature of certiorari to quash the orders dated 30th March, 2007 and 11.04.2007 passed by respondent no. 1 by which the petitioner, who was working as Senior Shed Certification Inspector at Jaspur, District Udham Singh Nagar, has been transferred to Pithoragarh on administrative ground.

It is well settled law that the transfer order cannot be interfered by the Court except on the grounds, first that the transfer order which has been passed is mala fide, second, it is against the statutory Rules and third that there are frequent transfers within a short span.

None of the grounds is available to the petitioner. It is the prerogative of the employer to post any employee to any place by making transfer.

The petitioner has challenged the transfer order on two grounds. First, the order is stigmatic. I have perused the transfer order. I do not find that the impugned order is stigmatic. Second the petitioner has been punished by way of the impugned order. By transferring an employee from one place to another place on administrative ground, it cannot be said that it is penalized in nature as it is well settled that the transfer is not a punishment.

Learned counsel for the petitioner has further submitted that the transfer order has been passed against the guidelines framed by the department itself. As already stated by the Apex Court in series of cases that the guidelines do not have statutory force, the petitioner cannot take advantage of these guidelines.

I do not find any ground to interfere in the present writ petition. The writ petition lacks merit and is dismissed. All the pending applications stand disposed of.

(M.M.G., J.)
18.05.2007
VKS